

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOHN J. MCGROARTY, M.D.**

4 Holder of License No. 6345
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-11-1135A

**ORDER FOR PRACTICE RESTRICTION
AND CONSENT TO THE SAME**

7 John J. McGroarty, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Practice Restriction; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 6345 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-11-1135A after receiving notification
17 that Respondent wrote 496 Medical Marijuana Certifications in which he attested to
18 reviewing the qualifying patient's profile on the Arizona Board of Pharmacy Controlled
19 Substances Prescription Monitoring Program (CSPMP) database prior to ever accessing
20 the database through the Arizona Board of Pharmacy (Pharmacy Board) website.

21 4. Board staff was further informed that Respondent had registered with the
22 database as of August 12, 2011, but had not made any queries of the CSPMP.

23 5. Respondent admitted that he failed to access the database prior to issuing
24 the Medical Marijuana Certifications. In addition, he conceded that he checked a box on
25 the certification form submitted to the Department of Health Services falsely attesting that

1 he had, in fact, reviewed the patient's profile on the CSPMP database. He explained that
2 he was new to Arizona and misinterpreted what he considered a confusing form.

3 6. Respondent appeared before the Board on April 4, 2012 for a Formal
4 Interview. He told the Board he had made a mistake but would comply with the
5 requirements of Arizona law going forward. The Board voted to return the case for further
6 investigation of possible quality of care issues

7 7. The Board's Medical Consultant interviewed Respondent on May 17, 2012.
8 During the interview, Respondent admitted to several violations of the Medical Practice
9 Act. Specifically, Respondent admitted to the continued and/or past failure to check the
10 CSPMP database when certifying patients for medical marijuana use, and failure to obtain
11 previous medical records on patients prior to issuing medical marijuana certifications
12 and/or controlled substances. Additionally, Respondent admitted to failing to maintain
13 adequate medical records on at least one patient by prescribing controlled substances
14 without a documented examination.

15 8. The Medical Consultant determined that Respondent should participate in a
16 neuropsychological evaluation in light of some of Respondent's observed behaviors during
17 the interview; therefore, on May 21, 2012, the Board's Executive Director issued an Interim
18 Order for Neuropsychological Evaluation.

19 9. On June 6, 2012, Respondent underwent a neuropsychological evaluation.
20 The evaluator concluded that, in view of all the available information, Respondent is
21 currently unsafe to practice as a physician.

22 10. On June 19, 2012, Respondent entered into an Interim Order for Practice
23 Limitation.

24 11. A Medical Consultant (MC) subsequently reviewed some of Respondent's
25 patient medical records. The MC observed that Respondent had prescribed medical

1 marijuana and opioids inappropriately and that Respondent had failed to detect addiction
2 and/or non-compliance due to his failure to query the CSPMP.

3 12. The Board has substantial evidence which, if accepted by the finder of fact,
4 would support a finding that:

5 a. Respondent deviated from the standard of care by providing ongoing
6 narcotic treatment for non-malignant pain and without appropriate evaluation.

7 b. Respondent deviated from the standard of care by providing medical
8 marijuana certificates without appropriate evaluation.

9 c. Respondent deviated from the standard of care by providing a one-time
10 narcotic prescription without querying the CSPMP which would have alerted him
11 that the patient was receiving narcotics from another provider.

12 d. Respondent's conduct had the potential to cause harm to patients by
13 perpetuating drug abuse due to failure to adequately assess the risk factors in each
14 patient prior to providing medical marijuana certificate and/or narcotic medication.

15 e. Respondent's conduct had the potential to cause accidental combined
16 drug toxicity (marijuana and narcotic) resulting in overdose and death due to failure
17 to adequately assess the risk factors (including CSPMP review) in each patient prior
18 to providing medical marijuana certification and/or narcotic medication.

19 f. No actual patient harm was identified.

20 13. For purposes of resolution of this investigation only, Respondent admits to
21 the acts described above and acknowledges that they constitute unprofessional conduct
22 pursuant to A.R.S. § 32-1401(27)(e)("[f]ailing or refusing to maintain adequate records on
23 a patient."); A.R.S. § 32-1401(27)(q) ("[a]ny conduct that is or might be harmful or
24 dangerous to the health of the patient or the public."); and A.R.S. § 32-1401(27)(t)
25 ("[k]nowingly making any false or fraudulent statement, written or oral, in connection with

1 the practice of medicine or if applying for privileges or renewing an application for
2 privileges at a health care institution.") Respondent's admission is made exclusively to
3 address issues of Arizona law. The full force and effect of his admission is exclusively
4 limited in scope and jurisdiction to the State of Arizona.

5 **CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter hereof and over
7 Respondent.

8 2. Respondent has engaged in unprofessional conduct in violation of A.R.S. §
9 32-1401(27)(e)("[f]ailing or refusing to maintain adequate records on a patient."); A.R.S. §
10 32-1401(27)(q) ("[a]ny conduct that is or might be harmful or dangerous to the health of the
11 patient or the public."); and A.R.S. § 32-1401(27)(t) ("[k]nowingly making any false or
12 fraudulent statement, written or oral, in connection with the practice of medicine or if
13 applying for privileges or renewing an application for privileges at a health care
14 institution.").

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 1. Respondent is issued a Practice Restriction.

18 2. As of the effective date of this Order, Respondent shall not practice medicine
19 and is prohibited from prescribing any form of treatment, including prescription
20 medications, in Arizona. In addition, Respondent shall not seek to renew his Arizona
21 medical license and shall not reapply for an Arizona medical license for a period of five
22 years from the effective date of this Order.

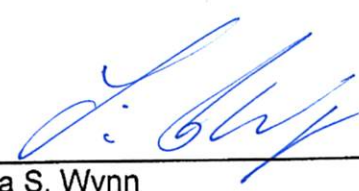
23 3. This Order vacates the Interim Practice Limitation dated June 19, 2012.

1 DATED AND EFFECTIVE this 10th day of June, 2013.

2 ARIZONA MEDICAL BOARD



By


Lisa S. Wynn
Executive Director

7 **CONSENT TO ENTRY OF ORDER**

8 1. Respondent has read and understands this Consent Agreement and the
9 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
10 acknowledges he has the right to consult with legal counsel regarding this matter.

11 2. Respondent acknowledges and agrees that this Order is entered into freely
12 and voluntarily and that no promise was made or coercion used to induce such entry.

13 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
14 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
15 this Order in its entirety as issued by the Board, and waives any other cause of action
16 related thereto or arising from said Order.

17 4. The Order is not effective until approved by the Board and signed by its
18 Executive Director.

19 5. All admissions made by Respondent are solely for final disposition of this
20 matter and any subsequent related administrative proceedings or civil litigation involving
21 the Board and Respondent. Therefore, said admissions by Respondent are not intended
22 or made for any other use, such as in the context of another state or federal government
23 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
24 any other state or federal court.

25

1 6. Upon signing this agreement, and returning this document (or a copy thereof)
2 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
3 the Order. Respondent may not make any modifications to the document. Any
4 modifications to this original document are ineffective and void unless mutually approved
5 by the parties.

6 7. This Order is a public record that will be publicly disseminated as a formal
7 disciplinary action of the Board and will be reported to the National Practitioner's Data
8 Bank and on the Board's web site as a disciplinary action.

9 8. If any part of the Order is later declared void or otherwise unenforceable, the
10 remainder of the Order in its entirety shall remain in force and effect.

11 9. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 10. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. §§ 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter") and 32-1451.

18
19 
20 John J. McGroarty, M.D.

June 26, 2013
Date

21 EXECUTED COPY of the foregoing mailed
22 this 10th day of June, 2013 to:

23 Calvin L. Raup, Esq.
24 BUCKLEY KING
25 Central Park Square
2020 North Central Ave., Suite 1120
Phoenix, AZ 85004
Attorney for Respondent

1 ORIGINAL of the foregoing filed
2 this 10th day of June, 2013 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 Mary B. Blevins
7 Arizona Medical Board Staff
8 AF:yfl - #3293624
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